

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ petition no. 938 of 2006 (MS)

Committee of Management, Inter College Vijaypur Kanda,
District Bageshwar, through its Manager, Sri Naveen Chandra
Pant s/o Sri Ganga Dutt Pant Petitioner

Versus

1. State of Uttaranchal, through the Secretary Secondary Education, Uttaranchal, Dehradun
2. Director of Education, Uttaranchal, Dehradun
3. Joint Director of Education, Kumaon Mandal, Nainital
4. District Education Officer, Bageshwar
5. Inter College, Vijaypur, Kanda, Bageshwar through its Authorised Controller, S.D.M. Kapkot, District Bageshwar. Respondents.

Sri J.C. Pandey, Advocate for the petitioner.
Standing Counsel for the respondents.

Dated: 20.07.2006

Hon'ble Rajesh Tandon, J.

Heard Sri J. C. Pandey counsel for the petitioner and Standing counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 29.5.2006 passed by the Joint director of Education, Kumaon, Nainital.

Briefly stated according to the petitioner, he is duly elected Manager of the Management Committee, Vijaypur, Kanda, Bageshwar. On 26.5.2003 the respondent no.3 passed an order under section 6(3) of U.P. High School and

Intermediate College (Payment of Salary of Teachers and other employees) Act 1971, by which the committee of management was suspended and authorized controller was appointed. The existing committee of management challenged the aforesaid order by filing a writ petition No. 218 (MS) of 2006 which was dismissed on 27.03.2006 directing the petitioner to challenge the order in appeal. Thereafter the Joint Director has passed the order on 29.5.2006 and extended the term of authorized controller.

The counsel for the petitioner has referred the case of Committee of Management, Uchchahar and another vs. Deputy Director of Educational, Agra and others, (1992) 1 UPLBEC and 679, where it has been held that under sub section (3) of section 6 of the Act, it is mandatory to issue a show cause notice to the Management Committee and only after issuing of such show cause notice and after giving an opportunity of hearing, the Regional Deputy Director, Education may suspend the Management Committee.

Since the petitioner has already preferred an appeal, therefore, it will be open for the appellate authority to dispose of the questions raised by the petitioner, while deciding the appeal.

In view of the above, the Director of Education, Uttaranchal is directed to dispose of the appeal within two weeks after obtaining the certified copy of this order.

Accordingly, writ petition is disposed of. No order as to costs.

Dated: 20.07.2006

Rajesh Tandon, J.

*Dhyani

